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#### REMARKS/ARGUMENTS

By the present amendment, claims 11, 17, 19 and 20 have been amended. In addition, paragraphs 7.2 and 32 have been amended to overcome the Examiner's objections to the specification and the claims. The amendments to claims 11, 17, and 20 are clarifications to the claims to overcome the Examiner's formal objections and questions about the meaning of the claims.

In the Office Action, the Examiner has objected to paragraphs [0007.2] and [0032] of the specification as amended. By the present amendment, Applicants have further amended paragraphs [0007.2] and [0032] to clarify the claims and overcome the issues raised by the Examiner.

The courtesy of the telephone interview granted to Applicants' attorney on September 30, 2004 by Examiner Snider, the examiner in charge of this application, is acknowledged with thanks and appreciation. At the interview, the Examiner indicated that the claim and specification amendments submitted herewith would overcome the formal objections and rejections to the specification and claims that are set forth in the previous Office Action. It was agreed that these amendments would be entered for purposes of appeal. No agreement was reached at the interview with respect to the allowability of the rejected claims over the prior art references. The remarks that follow will confirm in part the arguments made by the undersigned attorney during the interview.

#### **Claim Rejections – 35 U.S.C. § 112**

Claims 11-12, 17-24 have been rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed. Applicants believe that the amendments to claims 11, 17, and 20 overcome the Examiner's objections. Applicants do not understand why the Examiner has rejected claims 12, 17-19, and 21-24 with respect to the article "A". It is believed that this article is equally applicable as the word "The" that the

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Examiner requests. Applicants know of no requirement in the statute or the rules which require Applicants to use the article "The" instead of "A" as has been the practice for many years.

**Claim Rejections – 35 U.S.C. § 102**

Claims 20 and 21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Finnell U.S. Patent No. 1,849,663. This rejection is respectfully traversed.

The Finnell '663 patent relates to a vacuum floor mopper which has on the handles a pair of cord wraps which are aligned along an axis of the handle. An electrical cord is mounted on the handle and extends from the handle in a direction which is parallel to the cord wrap axis, that is, the axis that includes both cord wraps. However, the electrical cord 47 is offset by 90° degrees on the handle from the cord wrap axis. Finnell '663 discloses a spring collar on the cord at the position where the cord projects from the handle.

Claims 20 and 21 distinguish over Finnell '663 in calling for an upright handle pivotally mounted to a base housing. The Finnell '663 patent does not have a handle pivotally mounted to a base housing. Further, claim 20 distinguishes over the Finnell '663 reference in calling for the electrical cord to be mounted to the handle at a location in substantial alignment with the cord wrap axis and projecting from the handle in a direction in substantial alignment with at least one of the upper and lower cord wraps. The Finnell cord is not in substantial alignment with a cord wrap axis which passes through the axially spaced cords wraps on the Finnell handle. It is offset from the cord wrap axis by 90° degrees about the handle. Thus, there is always some side strain on the cord due to the offset relationship between the cord at the point where it projects from the handle and the cord wraps. Even this slight side loading can cause premature failure of the cord at the location where it projects from the handle because any lateral strain can introduce fatigue cracks in the cord at the handle. Thus, the cord, when wrapped around the cord wrap, does not project from the handle in a relatively straight line between the handle and at least one of the upper and lower cord wraps as required by claims 20 and 21.

Claims 11 and 17-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bradd et al. U.S. Patent No. 5,406,673 in view of the Rutter et al. U.S. Patent No.

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6,079,080. This rejection is respectfully traversed. Bradd et al. '673 and Rutter et al. '080 patents have been discussed in Applicants' Response to Office Action filed on June 3, 2004. That description is incorporated herein by reference.

The alleged combination of Bradd et al. '673 with Rutter et al. '080 is traversed. There is no basis for making the alleged combination. Although each of the references relates to a vacuum cleaner of some sort, there is no suggestion of incorporating the Rutter et al. '080 cord mount with the Bradd et al. '673 cord wrap.

However, even if the alleged combination were to be made, however untenably, it still would not reach Applicants' claimed invention. At best, the alleged combination would mount the Rutter et al. '080 cord and bend relief spring in a vertical orientation on the Bradd et al. '673 handle but offset from alignment with the upper and lower cord wraps. It is not clear from the Office Action exactly where the cord would be placed on the Bradd et al. '673 handle but at the very least it would be offset at least some distance from alignment with the upper and lower cord wraps. This mounting would likely introduce some fatigue cracks in the cord which eventually could result in failure of the cord and return of the entire floor cleaning machine to the manufacturer for replacement or repair.

Applicants' claim 11 and 17-19 distinguish over this alleged combination of Bradd et al. '673 and Rutter et al. '080 in calling for an electrical cord mounted to the handle and projecting from the handle in substantial alignment with the cord wrap axis and with at least one of the upper and lower cord wraps. Further, claims 11 and 17-19 distinguish over the alleged combination of Bradd et al. '673 and Rutter et al. '080 in calling for a strain relief collar mounted on the electrical cord at the handle and projecting from the handle in a direction in substantial alignment with at least one of the upper and lower cords wraps along the cord wrap axis so that the electrical cord projects from the handle in a relatively straight line between the handle and at least one of the upper and lower cord wraps. This concept is not disclosed in the alleged combination of Bradd et al. '673 and Rutter et al. '080. In the Examiner's alleged combination, the cord would always be offset at the handle from the cord wrap axis and the cord would always

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be subject to failure at the handle because of this offset relationship. None of the references recognizes this problem which Applicants have solved.

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradd et al. '673 in view of Rutter et al. '080 as applied to claim 11 and further in view of the McCabe et al. U.S. Patent No. 2,099,172. This rejection is respectfully traversed.

The McCabe et al. '172 patent discloses a vacuum cleaner with a molded rubber sleeve that prevents the cord from being pulled from the handle. The rubber sleeve is pitched at an angle to the cord wrap and results in some angular or side stress on the cord when the cord is wrapped around the cord wraps.

The alleged combination of Bradd et al. '673 and Rutter et al. '080 has been discussed above and is believed to be equally inappropriate in this rejection as well. Further, there is no suggestion as to why the disclosure of McCabe et al. '172 can be combined with the uncombinable combination of Bradd et al. '673 and Rutter et al. '080. There is no suggestion as to why the alleged combination is appropriate.

However, even if the alleged combination were to be made, however untenably, it still would not reach Applicants' claimed invention. It would simply provide an elastomeric collar in the alleged combination of Rutter et al. '080 and Bradd et al. '673. This alleged combination would not meet the claimed combination set forth in claim 11 from which claim 12 depends. The combination of these three references would not include an electrical cord projecting from a handle in a direction in substantial alignment with a cord wrap axis that passes through the cord wraps along the handle. Further, the alleged combination would not include a strain relief collar mounted on the electrical cord at the handle and projecting from the handle in a direction in substantial alignment with at least one of the upper and lower cord wraps along the cord wrap axis as required by claim 11.

It is therefore believed that claim 12 patentably distinguishes over the alleged combination of Bradd et al. '673, Rutter et al. '080 and McCabe et al. '172.

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Claim 22 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Finnell '663 as applied against claim 20 above and further in view of McCabe et al. '172. This rejection is respectfully traversed.

The alleged combination of Finnell '663 in view of McCabe et al. '172 is traversed. There is no basis for making the alleged combination.

However, even if the alleged combination were to be made, however untenably, it still would not meet Applicants' claimed invention. The addition of a strain relief collar formed of an elastomeric material in the Finnell '663 patent would not result in the combination of independent claim 20, from which claim 22 depends. For all of the same reasons why claim 20 distinguishes over Finnell '663, claim 22 distinguishes over the alleged combination of Finnell '663 and McCabe et al. '172.

Claims 23 and 24 have been rejected as unpatentable over Finnell '663. This rejection is respectfully traversed.

Claims 23 and 24 distinguish over the Finnell '663 reference in the same manner that claim 20 distinguishes over Finnell '663 as set forth above. In addition, claims 23 and 24 call for an electrical cord mounted below a lower cord wrap and projecting toward both the upper and lower cord wraps. This concept is not disclosed or suggested in Finnell '663. The Examiner's conclusory statement that it would be obvious to mount the cord position below the lower cord wrap is not evidence of obviousness.

The standard of obviousness is what would have been obvious to a person of ordinary skill in the art at the time the invention was made, not a matter of design choice or any requirement of unexpected results. There is no suggestion of mounting a cord wrap in Finnell '663 below the lower cord wrap. Such a mounting avoids the kind of offset which results in the Finnell '663 configuration.

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In view of the foregoing remarks and amendments, it is submitted that all of the claims are in condition for allowance. Early notification of allowability is respectfully requested.

Respectfully submitted,

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